



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,118	08/04/2003	D. Keith Miller	4847-04A	5751
4678	7590	08/10/2006	EXAMINER	
MACCORD MASON PLLC 300 N. GREENE STREET, SUITE 1600 P. O. BOX 2974 GREENSBORO, NC 27402			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,118	Applicant(s) MILLER ET AL.	
	Examiner Carlos Lugo	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-32 and 35-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-32 and 35-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>ATTACHMENT #1</u> |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on June 2, 2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 9-14,17-30,35-40, and 43-54 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,801,164 to Mosch in view of US Pat No 6,135,510 to Diginosa.

Regarding claims 9,22, and 29, Mosch discloses a window latch comprising a cam latch (30 and 36); a housing (10); and a pivot fastener (31,32 and 42) for attaching the cam latch to the housing. The cam latch is selectively movable between a first open position and a second locked position to secure the window sash in the closed position.

Further, Mosch discloses a bushing (35) adapted for use with the pivot fastener and a detent for retaining the cam latch in one of the open or locked positions. The detent includes at least one protrusion (67 and 68) on one of the housing and the bushing and a receiving groove (65 and 66) on the other of the housing and the bushing (Col. 4 Lines 25-35).

However, Mosch fails to disclose supporting walls that engage the surface of the window sash.

Diginosa teaches that it is well known in the art to have supporting walls that extends from one perimeter wall to another perimeter wall and that engage a surface of a window sash so as to impart strength to the housing (see attachment #1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the device described by Mosch supporting walls capable of engaging a surface of the window sash, as taught by Diginosa, in order to provide support to the housing structure.

As to claims 10 and 36, Mosch discloses that the cam latch includes an actuator arm (30), a locking arm (body of 36) and a pivot point (through 31) between the actuator arm and the locking arm.

As to claims 11 and 37, Mosch discloses that the window latch further includes a finger tab (end portion of 30) on the actuator arm.

As to claims 12 and 38, Mosch illustrates that the locking arm further includes a cam wall (50).

As to claims 13 and 39, Mosch illustrates that the ratio of the length of the actuator arm to the length of the locking arm is greater than about 2 to provide a mechanical advantage when the window latch is operated (see Figure 4).

As to claims 14 and 40, Mosch discloses that one of the actuator arm and the locking arm includes a key lock receptor (55) and the other of the actuator arm and the locking arm including a complementary key lock (69) extending into the key lock receptor for attaching the cam latch to the housing.

As to claims 17 and 43, Mosch discloses that one of the key lock and the key lock receptor further includes an alignment feature and the other of the key lock and the key lock receptor further includes a mating alignment feature (32,33 and 55).

As to claims 18 and 44, Mosch illustrates that the housing extends beyond the pivot fastener parallel to the window frame (Figure 3) and includes an aperture (14 and 15) for receiving a fastener for attaching the housing to the window.

As to claims 19 and 45, Mosch discloses that the aperture for receiving a fastener includes a retainer (the retainer can be the top edge of the apertures 14 and 15) for receiving a fastener.

As to claims 20 and 46, Mosch discloses that the base of the aperture for receiving a fastener includes a cavity (space under 14 and 15) for receiving shavings formed by attaching the window latch to the window.

As to claims 21 and 47, Mosch illustrates that the housing extends beyond the pivot fastener parallel to the window frame to include a finger shoulder for providing access to the cam latch.

As to claims 22 and 48, Mosch, as modified by Diginosa, illustrates that the support wall is between the aperture and cam latch.

As to claims 23 and 49, Mosch, as modified by Diginosa, illustrates that the support wall is substantially perpendicular to the window frame.

As to claims 24 and 50, Mosch discloses that the window latch further comprises a locking arm catch (12).

As to claims 25 and 51, Mosch discloses that the window latch further includes a cam detent (53) for engaging the locking arm.

As to claims 26,27,52 and 53, Mosch discloses that the window latch further includes an aperture (16 and 17) for receiving a fastener for attaching the locking arm catch to the window.

As to claims 28 and 54, Mosch discloses that the pivot fastener is substantially non-compressible so as to facilitate the selective movement of said cam latch between the first open position and the second locked position.

As to claim 30, Mosch detent is capable of provide an audible indication of the cam latch being in one of the open and the locked positions.

As to claim 35, Mosch discloses that the detent includes a resilient portion (67 and 68) on one of the housing and the bushing.

4. **Claims 15,16,41 and 42 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,801,164 to Mosch in view of US Pat No 6,135,510 to Diginosa as applied to claims 14 and 40 above above, and further in view of US Pat No 6,568,723 to Murphy et al (Murphy).

Mosch, as modified by Diginosa, fails to disclose the use of a fastener extending into the key lock and key lock receptor. Mosch discloses the use of a pin (31).

Murphy teaches that it is well known in the art to secure a key lock (38) into a key lock receptor (32) using a threaded fastener (Figure 2b).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure the key lock described by Mosch, as modified by Diginosa, with a fastener, as taught by Murphy, in order to secure the members.

5. **Claims 31 and 32 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,801,164 to Mosch in view of US Pat No 6,135,510 to Diginosa as applied to claim 29 above, and further in view of US Pat No 1,948,542 to Repass.

Mosch, as modified by Diginosa, fails to disclose that the detent includes at least one protrusion on one of the housing and the cam latch and a receiving groove on the other of the housing and the cam latch.

Repass teaches that it is well known in the art to provide an apparatus to lock a window defining a detent that includes at least one protrusion (27) on one of the housing and the cam latch and a receiving groove (28) on the other of the housing and the cam latch.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus described by Mosch, as modified by Diginosa, with a detent that includes a protrusion/groove engagement between the housing and the cam latch, as taught by Repass, in order to positioning and/or hold the cam latch with respect to the housing.

Response to Arguments

6. Applicant's arguments with respect to the rejection of the claims in view of Mosch, as modified by Murphy, have been considered but are moot in view of the new ground(s) of rejection in view of Mosch, as modified by Diginosa.

Conclusion

7. Applicant's amendment, the supporting wall extends from one perimeter wall to the other perimeter wall, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

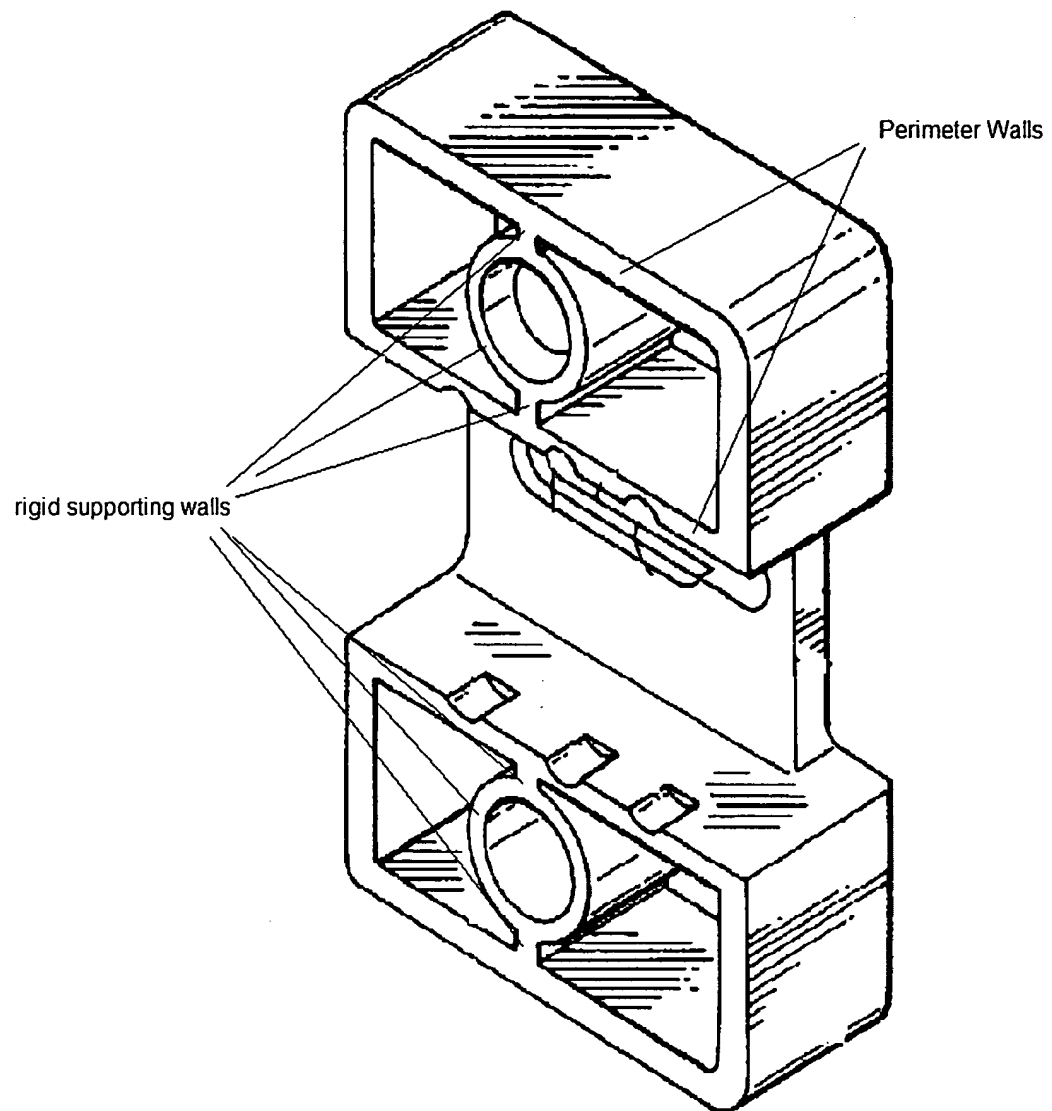
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.



Carlos Lugo
Patent Examiner AU 3676
August 3, 2006.



BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER



Attachment #1